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Attorney's Docket No.: 07039-322001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sundeep Khosla et al.

Art Unit : 1654

Patent No. : 6,916,790

Examiner : J. Russel

Issue Date : July 12, 2005

Serial No. : 09/972,809

Filed : October 5, 2001

Title : TREATMENT OF OSTEOPOROSIS

MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(D)

Applicants hereby petition for reconsideration of the Patent Term Adjustment (PTA) accorded the above-referenced patent. Attached herewith is a copy of the Issue Notification including a Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed June 22, 2005, for the above-referenced patent. The notification, as well as the face of the patent, states that the Patent Term Adjustment at issuance is 83 days. Reconsideration of the Patent Term Adjustment to decrease Applicant Delay from 246 days to 36 days, to increase PTO delay from 329 days to 330 days, and to increase Total PTA from 83 to 294 days, is respectfully requested.

09/15/2005 EFLORES 00000095 061050 6916790

01 FC:1462 200.00 DA 200.00 OP

Adjustment date: 09/16/2005 EFLORES

09/15/2005 EFLORES 00000095 061050 6916790

01 FC:1462 200.00 CR -200.00 OP

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 12, 2005

Date of Deposit

Signature

Debra L. Miedema

Typed or Printed Name of Person Signing Certificate

09/16/2005 TBESHAH2 00000008 6916790

01 FC:1455

200.00 OP

REVIEW OF PATENT TERM ADJUSTMENT CALCULATION

A review of the Patent Term Adjustment History in the PAIR system shows that the United States Patent and Trademark Office (PTO) calculated the Patent Term Adjustment (PTA) as follows:

- 1) A Notice to File Missing Parts was issued on January 16, 2002. Applicants filed a Response to Notice to File Missing Parts on March 15, 2002. An Applicant Delay of 10 days was assessed for late filing of this response. Applicants respectfully disagree with the calculated Applicant Delay of 10 days associated with this item and hereby request its removal.
- 2) The PTO mailed a delayed 14-month first non-final Office Action on April 2, 2003. Applicants do not dispute the calculated PTO Delay of 118 days.
- 3) Applicants submitted a response to the above-referenced non-final Office Action on August 7, 2003. An Applicant Delay of 36 days was assessed for a delayed response. Applicants do not dispute the calculated Applicant Delay of 36 days.
- 4) The PTO mailed a Notice of Allowance on May 13, 2004. Applicants responded to the Notice of Allowance on August 12, 2004, by Express Mail. With the Response to Notice of Allowance, Applicants also filed an Application for Patent Term Adjustment Under 37 C.F.R. §1.705(b). In the PAIR Patent Term Adjustment History, the PTA documents are entered as a "Miscellaneous Incoming Letter" and "Supplemental Papers – Oath or Declaration," and a total delay of 210 days of Applicant Delay is assessed. Applicants respectfully disagree with the calculated Applicant Delay of 210 days and hereby request its removal.
- 5) The PTO issued the patent for this matter on July 12, 2005. A PTO Delay of 211 days was assessed for late issuance of the patent. Applicants respectfully disagree with the calculated PTO Delay of 211 days for delayed issuance of the patent, and submit that the correct PTO Delay associated with this item is 212 days.

REMARKS

Applicants believe the PTA calculation of 83 days is incorrect, as further outlined below.

A. Applicant Delay for Late Response to Notice to File Missing Parts Is Inappropriate and Should Be Removed.

On January 16, 2002, the PTO mailed a Notice to File Missing Parts (copy enclosed) requesting a signed inventors' oath or declaration and the missing parts surcharge fee. Applicants submitted a complete and timely Response to the Notice to File Missing Parts on March 15, 2002. The PAIR system and the PTO date-stamped postcard (copy enclosed) indicate that the PTO received Applicants' response on March 22, 2002. As Applicants' complete response was received within the three-month period of response ending April 16, 2002, Applicants should not be assessed any delay for the response to this Notice.

The application was not marked as "complete" in the PAIR system until April 26, 2002. As Applicant Delay is sometimes calculated until the application is "complete," Applicants were unduly assessed a delay of 10 days. Thus, Applicants respectfully request correction of the "Application is Now Complete" entry in the PAIR system to be dated not later than March 22, 2002.

B. Applicant Delay for Submission of an Application for Patent Term Adjustment is Inappropriate and Should Be Removed.

Pursuant to 37 CFR §1.704(e), an Application for Patent Term Adjustment will not be considered a "failure to engage in reasonable efforts" to conclude processing or examination of an application and will not result in reduction of a patent term adjustment. Applicants submit that the Application for Patent Term Adjustment filed with their Response to Notice of Allowance on August 12, 2004, was incorrectly entered into the PAIR/PALM system as a "Miscellaneous Incoming Paper" (on August 12, 2004) and that the documentation of evidence attached thereto was incorrectly entered as "Supplemental Papers – Oath or Declaration" (on November 10, 2004). A total Applicant Delay of 210 days was assessed for the submission of these papers. No other documents corresponding to these entries were filed by Applicants. Therefore, Applicants respectfully request the removal of 210 days of Applicant Delay.

C. The PTO Delay of 211 Days for Late Issuance of the Patent Is Inaccurate and Should Instead Be Calculated as 212 Days.

Applicants submitted the issue fee payment, along with the Response to Notice of Allowance, on August 12, 2004, by Express Mail. It appears, from the copy of the return-receipt postcard, that the PTO initially date-stamped the postcard with an August 13, 2004, date and then corrected the received date to indicate the Express Mail date of August 12, 2004. Two entries appear in the PAIR/PALM system for verification of the issue fee payment – one on August 12, 2004, and one on August 13, 2004.

The correct date of receipt of the issue fee payment is identified as August 12, 2004, in the PAIR/PALM system, but due to the duplicate entry for the issue fee verification, it appears that the August 13, 2004, date was used in the PTA calculation for the PTO Delay associated with delayed issuance of the patent. Therefore, Applicants respectfully request the PTO Delay calculation be corrected to calculate from the official date of receipt (the Express Mail date) of August 12, 2004, yielding a PTO Delay of 212 days associated with delayed issuance of the patent.

Applicant : Sundeep Khosla et al.
Patent No. : 6,916,790
Issued : July 12, 2005
Serial No. : 09/972,809
Filed : October 5, 2001
Page : 5 of 5

Attorney's Docket No.: 07039-322001

CONCLUSION

In consideration of the events described above, Applicants believe the PTA calculation of 83 days is incorrect. Applicants respectfully request correction of the patent term adjustment calculation to reflect a total PTO Delay of 330 days, a total Applicant Delay of 36 days, and a net total PTA calculation of 294 days.

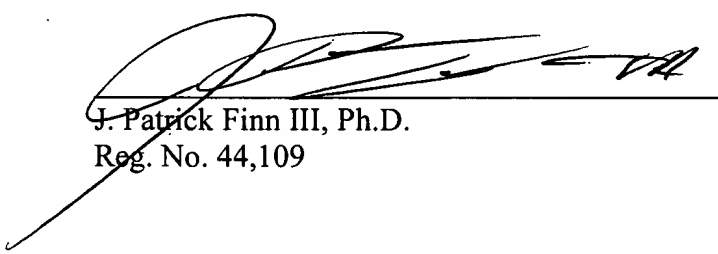
A copy of each of the following documents is provided herein, for reference:

- 1) Issue Notification including a Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed June 22, 2005;
- 2) Response to Notice to File Missing Parts dated March 15, 2002, and PTO date-stamped postcard indicating receipt on March 22, 2002.
- 3) Response to Notice of Allowance including Application for Patent Term Adjustment and Issue Fee Transmittal dated August 12, 2004, and Express Mail receipt date-stamped August 12, 2004.

Enclosed is a check in the amount of \$200 for the fee required under 37 CFR §1.18(e). Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: September 12, 2005


J. Patrick Finn III, Ph.D.
Reg. No. 44,109

Fish & Richardson P.C., P.A.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,809	07/12/2005	6916790	07039-322001	4349

26191 7590 06/22/2005

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 83 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

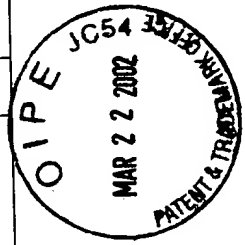
Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

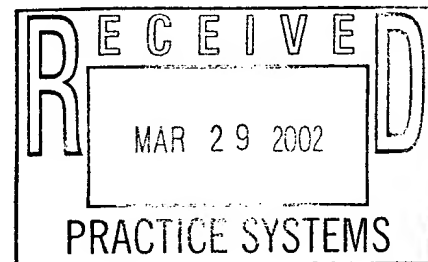
Sundeep Khosla, Rochester, MN;
Cheryl A. Conover, Rochester, MN;
Francis J. Ballard, Burnside, AUSTRALIA;
Peter M. Tapley, Collegeville, PA;

KJS



Attorney's Docket No. 07039-322001	Express Mail Label No.	Mailing Date March 15, 2002	For PTO Use Only Do Not Mark in This Area 
Application No. 09/972,809	Filing Date October 5, 2001	Attorney/Secretary Init MMG/kjs	
Title of the Invention TREATMENT OF OSTEOPOROSIS			
Applicant Sundeep Khosla et al.			
Enclosures Check in the amount of \$65.00 Response to Notice to File Missing Parts of Application (1 page) Copy of Notice to File Missing Parts (1 page) Combined Declaration and Power of Attorney (3 pages)			

UP





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sundeeep Khosla et al.

Art Unit : 1653

Serial No. : 09/972,809

Examiner : Unknown

Filed : October 5, 2001

Title : TREATMENT OF OSTEOPOROSIS

BOX MISSING PARTS

Commissioner for Patents

Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application under 37 U.S.C. §1.53(b) mailed January 16, 2002 (copy enclosed), applicant claims small entity status (see 37 CFR 1.27) and submits herewith the following:

☒ Payment of the surcharge of \$65.00 for late filing of the basic filing fee and/or declaration; and

☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

3/15/02

Monica McCormick Graham, Ph.D.

Reg. No. 42,600

Fish & Richardson P.C., P.A.
60 South Sixth Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696
60076852.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

March 15, 2002

Date of Deposit

Signature

Kathryn J. Sanderson

Typed or Printed Name of Person Signing Certificate



COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TREATMENT OF OSTEOPOROSIS, the specification of which:

- ☐ is attached hereto.
- ☒ was filed on October 5, 2001 as Application Serial No. 09/972,809 and was amended on _____.
- ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

U.S. Serial No.	Filing Date	Status
U.S. Serial No. 60/045,607	May 5, 1997	Abandoned

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No.	Filing/Issue Date	Status
U.S. Serial No. 09/428,226	October 27, 1999	Pending
U.S. Patent No. 5,998,369	December 7, 1999	Issued

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Filing Date	Priority Claimed
---------	-----------------	-------------	------------------

**Combined Declaration and Power of Attorney**

Page 2 of 3 Pages

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Mark S. Ellinger, Ph.D., Reg. No. 34,812
Wayne E. Willenberg, Reg. No. 28,488
H. Sanders Gwin, Jr., Reg. No. 33,242
Ronald C. Lundquist, Ph.D., Reg. No. 37,875
J. Patrick Finn III, Ph.D., Reg. No. 44,109
Monica McCormick Graham, Ph.D., Reg. No. 42,600
Arlene Hornilla, Reg. No. 44,776
Greg H. Gardella, Reg. No. 46,045
Anton J. Bokal, Ph.D., Reg. No. P-51,243
William D. Hare, Reg. No. 44,739

Dorothy P. Whelan, Reg. No. 33,814
Richard J. Anderson, Reg. No. 36,732
Steven R. Schaefer, Reg. No. 37,927
John A. Dragseth, Reg. No. 42,497
M. Angela Parsons, Ph.D., Reg. No. 44,282
J. Richard Soderberg, Reg. No. 43,352
Chad A. Hanson, Ph.D., Reg. No. 44,737
Greg A. McAllister, Reg. No. 47,779
Ruffin B. Cordell, Reg. No. 33,487

Address all telephone calls to MARK S. ELLINGER, PH.D. at telephone number (612) 335-5070.

Address all correspondence to MARK S. ELLINGER, PH.D. at:

FISH & RICHARDSON P.C., P.A.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: SUNDEEP KHOSLA

Inventor's Signature: *S. Khosla*

Date: 2/21/02

Residence Address: Rochester, MN

Citizenship: United States

Post Office Address: 815 Third Street S.W.
Rochester, MN 55902

Full Name of Inventor: CHERYL A. CONOVER

Inventor's Signature: *Cheryl A. Conover*

Date: 2/20/02

Residence Address: Rochester, MN

Citizenship: United States

Post Office Address: 939 - 22nd Avenue S.W.
Rochester, MN 55902



Combined Declaration and Power of Attorney

Page 3 of 3 Pages

Full Name of Inventor: FRANCIS J. BALLARD

Inventor's Signature: *Francis J. Ballard*

Date: 18 February 2002

Residence Address:

Australia

Citizenship:

Australia

Post Office Address:

21 Willowbridge Grove
Burnside, South Australia
5066 Australia

Full Name of Inventor: PETER M. TAPLEY

Inventor's Signature: *P. Tapley*

Date: 28 February 2002

Residence Address:

Collegeville, PA

Citizenship:

Australia

Post Office Address:

1008 Bayberry Lane
Collegeville, PA 19426



Attorney's Docket No. 07039-322001	Express Mail Label No.	Mailing Date March 15, 2002	For PTO Use Only <i>Do Not Mark in This Area</i>
Application No. 09/972,809	Filing Date October 5, 2001	Attorney/Secretary Init MMG/kjs	
Title of the Invention TREATMENT OF OSTEOPOROSIS			
Applicant Sundeep Khosla et al.			
Enclosures ·Check in the amount of \$65.00 ·Response to Notice to File Missing Parts of Application (1 page) ·Copy of Notice to File Missing Parts (1 page) ·Combined Declaration and Power of Attorney (3 pages)			

07039-322001

FR FISH & RICHARDSON P.C.225 Franklin Street
Boston, Massachusetts
02110-2804

C

139634

PAY sixty-five and 00/100 DOLLARS

TO THE ORDER OF	DATE	AMOUNT
COMMISSIONER OF PATENTS AND TRADEMARKS	3/15/02	65.00

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52-153/112

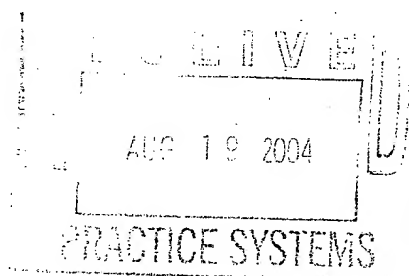
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⑈139634⑈ ⑆011201539⑆ 80 071 123⑈



Attorney's Docket No. 07039-322001	Express Mail Label No. EV509497878US	Mailing Date August 12, 2004	For PTO Use Only <i>Do Not Mark in This Area</i>
Application No. 09/972,809	Filing Date October 5, 2001	Attorney/Secretary Init MSE/JXF/jaw	
Title of the Invention TREATMENT OF OSTEOPOROSIS			
Applicant Sundeep Khosla et al.			
Enclosures · Issue Fee Transmittal (Part B) (1 page) · Application for PTA Under 37 CFR 1.705(B) (3 pages), with the following attachments: Copy of Notice of Allowance mailed 5/13/04 (6 pages) Copy of Notice to File Missing Parts mailed 1/6/02 (1 page) Copy of Response to Notice to File Missing Parts mailed 3/15/02 & PTO date-stamped postcard dated 3/22/02 (5 pages) · Check in the amount of \$200.00 (for Application for PTA) 			

MAIL DATE





Express Mail Procedure Checklist

Today's Date: 8-12-04
Matter No.: 07039-322001
Attorney/Secretary: JXF/jaw



To be completed by Secretary:

☐ Attorney does want voice mail/e-mail notification.

Office Services (before leaving for the Post Office):

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Date In Mo. Day Year <u>8</u> <u>12</u> <u>04</u>	Postage <u>\$13.65</u>	Delivery Attempt Mo. Day <input type="checkbox"/> AM <input type="checkbox"/> PM	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Delivery Date Mo. Day <input type="checkbox"/> AM <input type="checkbox"/> PM	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
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To Brenda Taylor: 7:15 p.m.*

*After 7:15 p.m. the handling attorney must personally take the express mail to the Post Office.



PATENT
Attorney's Docket No.: 07039-322001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sundeep Khosla et al.
Serial No.: 09/972,809
Filed: October 5, 2001
Title: TREATMENT OF OSTEOPOROSIS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EV509497878US

DECLARATION OF MAILING BY "EXPRESS MAIL"

Brian Tate declares as follows:

1. I reside at: 3429 Harriet Avenue, Apt. 4, Minneapolis, MN 55408 and am an agent of:

Fish & Richardson P.C., P.A.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402

2. On August 12, 2004, I deposited in the mail, "Express Mail Post Office to Addressee" service of the United States Postal Service, the contents of the envelope for which "Express Mail" receipt No. EV509497878US was issued addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3. Attached hereto is a true copy of the "Express Mail" receipt No. EV509497878US.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patents issued thereon.

Date: August 12, 2004



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MINNEAPOLIS, Minnesota
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(800)275-8777

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Customer Postage

Subtotal: -\$11.00
\$0.00

Issue PVI: =====
\$0.00

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Express Mail PO-ADD Flat
Rate \$13.65

Serial Number EV467327495US
2nd Day Noon / Normal

Delivery
Customer Postage
Subtotal: -\$13.65

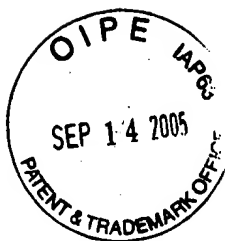
ALEXANDRIA VA 22313
Express Mail PO-ADD
Serial Number EV509497878US
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\$0.00

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Attorney's Docket No.: 07039-322001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sundeeep Khosla et al.
Serial No. : 09/972,809
Filed : October 5, 2001
Art Unit : 1654
Examiner : J. Russel
Confirmation No.: 4349
Notice of Allowance Date: May 13, 2004
Title : TREATMENT OF OSTEOPOROSIS

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


RESPONSE TO NOTICE OF ALLOWANCE

In response to the Notice of Allowance mailed May 13, 2004, enclosed is a completed issue fee transmittal form PTOL-85b. On December 15, 2003, Applicants filed a Response to the Notice of Allowance mailed September 26, 2003, paying the required issue fee and publication fee, including patent copies. On February 12, 2004, Applicants withdraw the above-referenced application from issue and a second Notice of Allowance was issued on May 13, 2004. Applicants believe no fees are due in the Response.

Please apply any additional charges or credits to our Deposit Account No. 06-1050.

Respectfully submitted,

Date: August 12, 2004


J. Patrick Finn III, Ph.D.
Reg. No. 44,109

Fish & Richardson P.C., P.A.
60 South Sixth Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

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CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV509497878US

August 12, 2004
Date of Deposit



PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: MailMail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

26191

7590

05/13/2004

FISH & RICHARDSON P.C., P.A.
60 SOUTH SIXTH STREET
SUITE 3300
MINNEAPOLIS, MN 55402

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for express mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

EV509497878US

Express Mail Label:

08/12/2004

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,809	10/05/2001	Sundeep Khosla	07039-322001	4349

TITLE OF INVENTION: TREATMENT OF OSTEOPOROSIS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965 (previously paid 12/15/03)	08/13/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
RUSSEL, J.	1654	514-210000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Fish & Richardson P.C., P.A.

2.

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Mayo Foundation for Medical Education and Research

(B) RESIDENCE (CITY AND STATE OR COUNTRY)

Rochester, MN

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐
- Issue Fee
-
- ☐
- Publication Fee
-
- ☐
- Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐
- A check in the amount of the fee(s) is enclosed.
-
- ☐
- Payment by credit card. Form PTO-2038 is attached.
-
- ☒
- The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 06-1050 (enclose an extra copy of this form).

Director of Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

J. Patrick Finn III, Ph.D.
44,109

(Date) August 12, 2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sundeeep Khosla et al. Art Unit : 1654
Serial No. : 09/972,809 Examiner : J. Russel
Filed : October 5, 2001
Title : TREATMENT OF OSTEOPOROSIS

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(B)

Applicants hereby petition for reconsideration of the Patent Term Adjustment (PTA) accorded the above-referenced patent application. Attached herewith is a copy of the Notice of Allowance including a Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed May 13, 2004, for the above-referenced application. The Notice of Allowance states that the Patent Term Adjustment at allowance is 72 days. Reconsideration of the Patent Term Adjustment calculation to decrease Applicant Delay from 46 days to 36 days, and to increase Total PTA from 72 to 82 days, is respectfully requested.

REVIEW OF PATENT TERM ADJUSTMENT CALCULATION

A review of the Patent Term Adjustment History in the PAIR system shows that the United States Patent and Trademark Office (PTO) calculated the Patent Term Adjustment (PTA) as follows:

- A. The PTO mailed a Notice to File Missing Parts on January 16, 2002. The PAIR system indicates the "Application is Now Complete" on April 26, 2002, thereby according an Applicant Delay of 10 days. Applicants respectfully submit that the PTO's calculation of Applicant Delay contains an error and that the correct Applicant Delay is 0 days, as outlined further below.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV509497878US

August 12, 2004
Date of Deposit

- B. The PTO mailed a delayed 14-month first non-final Office Action on April 2, 2003, thereby according a PTO Delay of 118 days. Applicants concur with this patent term adjustment calculation.
- C. Applicants submitted a response to the above-referenced non-final Office Action on August 4, 2003. The PAIR system indicates the PTO received the response on August 7, 2003, thereby according an Applicant Delay of 36 days. Applicants concur with this patent term adjustment calculation.

STATEMENT OF THE FACTS

On January 16, 2002, the PTO mailed a Notice to File Missing Parts (copy enclosed) requesting a signed inventors' oath or declaration and the missing parts surcharge fee. Applicants submitted a complete and timely Response to the Notice to File Missing Parts on March 15, 2002. The PAIR system and the PTO date-stamped postcard (copy enclosed) indicate that the PTO received Applicants' response on March 22, 2002. As Applicants' complete response was received within the three-month period of response ending April 16, 2002, Applicants should not be assessed any delay for the response to this Notice.

The application was not marked as "complete" in the PAIR system until April 26, 2002. As Applicant Delay is calculated until the application is "complete," Applicants were unduly accorded with a delay of 10 days. Thus, Applicants respectfully request correction of the "Application is Now Complete" entry in the PAIR system to be dated not later than March 22, 2002.

DOCUMENTS ENCLOSED

A copy of each of the following documents is provided herein:

- 1) Notice of Allowance mailed May 13, 2004;
- 2) Notice to File Missing Parts mailed January 16, 2002;
- 3) Response to Notice to File Missing Parts dated March 15, 2002, and PTO date-stamped postcard indicating receipt date of March 22, 2002.

Applicant : Sundeep Khosla et al.
Serial No. : 09/972,809
Filed : October 5, 2001
Page : 3 of 3

Attorney's Docket No.: 07039-322001

REMARKS

In consideration of the events described above, Applicants believe the PTA calculation of 72 days is incorrect. Applicants respectfully request reconsideration of the patent term adjustment in the following manner:


- 1) Total PTO Delay should be calculated as 118 days (for a delayed first Office Action); and,
- 2) Total Applicant Delay should be calculated as 36 days (for delayed response to non-final Office Action).

Therefore, Applicants respectfully request the removal of 10 days of Applicant Delay, thus decreasing Applicant Delay from 46 days to 36 days and increasing the Total PTA from 72 to 82 days. Applicants also kindly request correction of the file history in the PAIR system to indicate the application was "complete" not later than March 22, 2003.

Enclosed is a check for the fee of \$200 required under 37 CFR §1.18(e). Please apply any other required charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: August 12, 2004



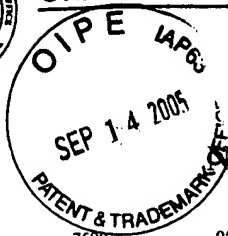
J. Patrick Finn III, Ph.D.
Reg. No. 44,109

Fish & Richardson P.C., P.A.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov



NOTICE OF ALLOWANCE AND FEE(S) DUE

26191

7590

05/13/2004

FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA
60 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402

EXAMINER

RUSSEL, JEFFREY E

ART UNIT

PAPER NUMBER

1654

DATE MAILED: 05/13/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,809	10/05/2001	Sundeep Khosla	07039-322001	4349

TITLE OF INVENTION: TREATMENT OF OSTEOPOROSIS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$0	\$0	\$0	08/13/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,809	10/05/2001	Sundcep Khosla	07039-322001	4349

26191 7590 05/13/2004
FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA
60 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402

EXAMINER

RUSSEL, JEFFREY E

ART UNIT PAPER NUMBER

1654

DATE MAILED: 05/13/2004

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 72 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 72 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

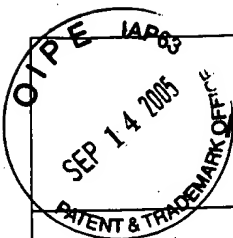
Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Docketed By Practice Systems
Action Code: <u>Issue fee / PTA Petition</u>
Base Date: <u>5-13-04</u>
Due Date: <u>7-13-04</u>
Deadline: <u>8-13-04</u>
Initials: <u>PP</u>
Record: _____

Docketed By Practice Systems
Action Code: <u>FILE CON-DIV</u>
Base Date: <u>5-13-04</u>
Due Date: <u>7-13-04</u>
Deadline: <u>8-13-04</u>
Initials: <u>AM</u>
Record: _____

Docketed By Billing Secretary
Due Date: <u>7/13/04</u>
Deadline: <u>8/13/04</u>
Initials: <u>DAS 5/18/04</u>

Docketed By Billing Secretary
Due Date: <u>7/13/04</u>
Deadline: <u>8/13/04</u>
Initials: <u>DAS 5/18/04</u>



Notice of Allowability

Application No.

09/972,809

Examiner

Jeffrey E. Russel

Applicant(s)

KHOSLA ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE and IDS filed February 12, 2004.
2. ☒ The allowed claim(s) is/are 21 and 25-32.
3. ☒ The drawings filed on 12 September 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20040212
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 1654

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on February 12, 2004 has been entered.

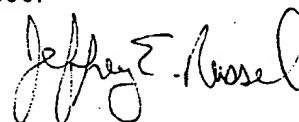
2. The following is an examiner's statement of reasons for allowance: The claimed invention is deemed allowable over the prior art of record or any combination thereof for the reasons set forth in the Office action mailed April 2, 2003, section 14. With respect to the references cited in the Information Disclosure Statement filed February 12, 2004, none of the references teaches or suggests the IGFBP2 required by the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

Art Unit: 1654

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Brenda Brumback can be reached at (571) 272-0961. The fax number for formal communications to be entered into the record is (703) 872-9306; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.



Jeffrey E. Russel

Primary Patent Examiner

Art Unit 1654

JRussel

May 11, 2004

Sheet 1 of 1

Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 07039-322001	Application No. 09/972,809
		Applicant Sundeep Khosla et al.	
		Filing Date October 5, 2001	Group Art Unit 1654

Information Disclosure Statement
by Applicant
(Use several sheets if necessary)

(37 CFR §1.98(b))

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

RECEIVED

FEB 12 2004

OFFICE OF PETITIONS

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
JJR	AL	WO 96/02565	1996-02-01	PCT				
JJR	AM	EP 0289314	1988-11-02	EPO				
JJR	AN	WO 94/04030	1994-03-03	PCT				
	AO							
	AP							

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AQ	
	AR	
	AS	
	AT	

Examiner Signature Jeffrey E. Russe	Date Considered May 11, 2004
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

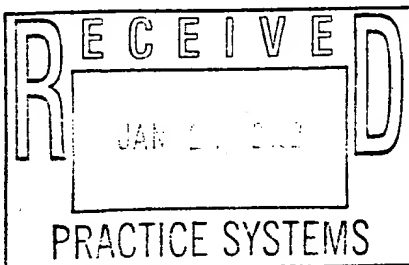
Substitute Disclosure Form (PTO-1449)



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov
HSE
NMG

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/972,809	10/05/2001	Sundeep Khosla	07039-322001

 MARK S. ELLINGER, PH.D.
 Fish & Richardson P.C., P.A.
 Suite 3300
 60 South Sixth Street
 Minneapolis, MN 55402


CONFIRMATION NO. 4349

FORMALITIES LETTER



OC000000007315804

Date Mailed: 01/16/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

A copy of this notice **MUST** be returned with the reply.
 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Docketed By Billing Secretary	
Due Date:	3/16/02
Deadline:	8/16/02
Initials:	QAS 1/23/02

DOCKETED BY PRACTICE SYSTEMS

ACTION: Missing Parts NTC.BASE: 1-16-02DUE: 3-16-02DEADLINE: 8-16-02INITIALS: QAN

163 ✓



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sundeep Khosla et al.
Serial No. : 09/972,809
Filed : October 5, 2001
Title : TREATMENT OF OSTEOPOROSIS

Art Unit : 1653
Examiner : Unknown

BOX MISSING PARTS
Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION


In response to the Notice to File Missing Parts of Application under 37 U.S.C. §1.53(b) mailed January 16, 2002 (copy enclosed), applicant claims small entity status (see 37 CFR 1.27) and submits herewith the following:

- ☒ Payment of the surcharge of \$65.00 for late filing of the basic filing fee and/or declaration; and
- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 3/15/02

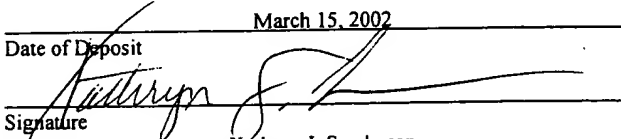

Monica McCormick Graham, Ph.D.
Reg. No. 42,600

Fish & Richardson P.C., P.A.
60 South Sixth Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696
60076852.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit March 15, 2002

Signature 
Kathryn J. Sanderson
Typed or Printed Name of Person Signing Certificate

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TREATMENT OF OSTEOPOROSIS, the specification of which:

- ☐ is attached hereto.
☒ was filed on October 5, 2001 as Application Serial No. 09/972,809 and was amended on _____
☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

<u>U.S. Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
U.S. Serial No. 60/045,607	May 5, 1997	Abandoned

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>U.S. Serial No.</u>	<u>Filing/Issue Date</u>	<u>Status</u>
U.S. Serial No. 09/428,226	October 27, 1999	Pending
U.S. Patent No. 5,998,369	December 7, 1999	Issued

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filing Date</u>	<u>Priority Claimed</u>
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Combined Declaration and Power of Attorney

Page 2 of 3 Pages

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

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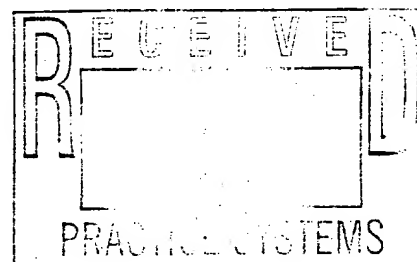
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Attorney's Docket No. 07039-322001	Express Mail Label No.	Mailing Date March 15, 2002	For PTO Use Only <i>Do Not Mark in This Area</i>
Application No. 09/972,809	Filing Date October 5, 2001	Attorney/Secretary Init MMG/kjs	
Title of the Invention TREATMENT OF OSTEOPOROSIS			
Applicant Sundeep Khosla et al.			
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Title of the Invention TREATMENT OF OSTEOPOROSIS			
Applicant Sundeep Khosla et al.			
Enclosures · Issue Fee Transmittal (Part B) (1 page) · Application for PTA Under 37 CFR 1.705(B) (3 pages), with the following attachments: Copy of Notice of Allowance mailed 5/13/04 (6 pages) Copy of Notice to File Missing Parts mailed 1/6/02 (1 page) Copy of Response to Notice to File Missing Parts mailed 3/15/02 & PTO date-stamped postcard dated 3/22/02 (5 pages) · Check in the amount of \$200.00 (for Application for PTA)			



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